

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

James Prestridge,

Plaintiff

v.

Internal Revenue Service, et al.,

Defendants.

Case No. 2:22-cv-01131-CDS-DJA

ORDER

I. DISCUSSION

On July 15, 2022, Plaintiff, an inmate in the custody of the High Desert State Prison submitted a complaint. (ECF No. 1). Plaintiff has not filed an application to proceed *in forma pauperis* in this matter or submitted a filing fee.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before

1 **August 18, 2022.** Absent unusual circumstances, the Court will not grant any further
 2 extensions of time. If Plaintiff is unable to file a complaint and a fully complete application
 3 to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing
 4 fee on or before **August 18, 2022**, the Court will dismiss this case without prejudice for
 5 Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint and able
 6 to acquire all three of the documents needed to file a fully complete application to proceed
 7 *in forma pauperis* or pay the full \$402 filing fee. To clarify, a dismissal without prejudice
 8 means Plaintiff does not give up the right to refile the case with the Court, under a new
 9 case number, when Plaintiff is able to file a complaint and has all three documents needed
 10 to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may
 11 choose not to file an application to proceed *in forma pauperis* and instead pay the full
 12 filing fee of \$402 on or before **August 18, 2022** to proceed with this case.

13 **II. CONCLUSION**

14 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
 15 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
 16 as the document entitled information and instructions for filing an *in forma pauperis*
 17 application.

18 IT IS FURTHER ORDERED that on or before **August 18, 2022**, Plaintiff will either
 19 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
 20 administrative fee) or file with the Court:

- 21 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
- 22 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
- 23 signatures on page 3),
- 24 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
- 25 official (i.e. page 4 of this Court's approved form), and
- 26 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
- 27 **previous six-month period.**

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully
2 complete application to proceed *in forma pauperis* with all three documents or pay the full
3 \$402 filing fee for a civil action on or before **August 18, 2022**, the Court will recommend
4 that this action be dismissed without prejudice.
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6 DATED: July 19, 2022.

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9 DANIEL J. ALBREGTS
10 UNITED STATES MAGISTRATE JUDGE
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